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ATS-032

PATENT APPLICATION
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Patent Application of)
SATOSHI KONO ET AL.)
Serial No. 07/485,659)
Filed: February 27, 1990)
For: CRANKSHAFT ASSEMBLY FOR)
INTERNAL COMBUSTION ENGINE)

Group Art Unit: 3502

Examiner: V. Luong

QB-3313

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Honorable Commissioner of
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Sir:

This is in reply to the Examiner's Answer mailed on January 13, 1993 under Rule 193(b) directed to new points of argument or clarification in the Examiner's Answer.

NEW POINTS OF ARGUMENT

The Examiner's answer is believed to raise new points of argument in that it includes EXHIBITS I and II. These exhibits are such as to specifically nominate the elements which the Examiner believes to be read on by the claims with a degree of clarity not thus far presented. By way of example, in EXHIBIT II the claimed space is nominated as being the space "between the elastic plate 11 and flywheel body 12".

Further, the Examiner has introduced the concept of "routine experimentation(s)" into the rejection. This is also believed to be new point which should be addressed.

REFUTATIONS

(1)

In connection with the indication that the claimed space is defined between the elastic plate 11 and the flywheel body 12, it is first pointed out that the claims require the space to be defined by the reinforcing member between the elastic plate and the flywheel. The space nominated by the examiner would exist irrespective of the presence of the reinforcing member and therefore can be considered not to be defined by the reinforcing member per se as in the claim requirements.

It is also pointed out that element 11 (which is indicated as being one of the members which defines the identified space) is a cover which is designed to support a diaphragm spring 19. As a result, the cover 11 in this environment requires a degree of rigidity which would be different from the situation wherein the spring was not supported thereon. Viz., as the cover acts as a reaction member, the axial rigidity properties of this element will be effected.

The effect of the cover 11 rigidity requirement has not been addressed in the rejection. It is believed to present a clear barrier which will effect the realization of the claimed invention.

(2)

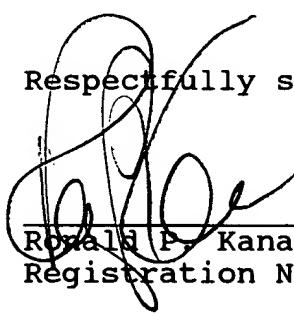
The introduction of the concept of using "routine experiments" to derive a given piece of knowledge is considered to be different from using "existing" common knowledge to achieve the same. Experimentation requires motivation and more importantly direction. The art of record does not provide any teachings which might motivate nor any teachings which would direct one to perform experiments concerning a specific parameter selected from a large number of possible parameters. For example, there is no reason advanced why the spring constants of the damper mechanisms associated with the driven clutch plate would not be investigated instead of the axial rigidity of the elastic plate member. Alternatively, changes in clutch plate diameter along with changes in clutch plate surface area may be considered for experimentation.

The tenability of the rejections is considered to be reduced by this introduction.

Date: February 11, 1993

By:

Respectfully submitted,



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